

MELINDA BIRD (SBN 102236)
 MARILYN HOLLE (SBN 61530)
 DEBORAH DORFMAN (CRLSA No. 801060)
 DISABILITY RIGHTS CALIFORNIA
 LOS ANGELES REGIONAL OFFICE
 3580 Wilshire Blvd., Ste. 902
 Los Angeles, CA 90010
 Telephone: (213) 427-8747
 Facsimile: (213) 427-8767
Melinda.bird@disabilityrightsca.org
Debbie.dorfman@disabilityrightsca.org
Marilyn.holle@disabilityrightsca.org

Attorneys for Named Plaintiffs and the Proposed Class
Additional Attorneys for Named Plaintiffs and the
Proposed Class on Signature Page

STEPHEN P. BERZON (SBN 46540)
 EVE H. CERVANTEZ (SBN 164709)
 STACEY M. LEYTON (SBN 203827)
 PEDER J. THOREEN (SBN 217081)
 Altshuler Berzon LLP
 177 Post Street, Suite 300
 San Francisco, California 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
sberzon@altshulerberzon.com
ecervantez@altshulerberzon.com
sleyton@altshulerberzon.com
pthoreen@altshulerberzon.com

Attorneys for Plaintiffs SEIU-UHW, SEIU-ULTCW, SEIU
Local 521, SEIU California State Council, UDW, and CUHW

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO/OAKLAND DIVISION

V.L., *et al.*,

Plaintiffs

v.

WAGNER, *et al.*,

Defendants

) **Case No.: CV 09-04668 CW**

)
)
) **STIPULATION AND ORDER**
) **CONTINUING THE FURTHER CASE**
) **MANAGEMENT CONFERENCE**
) **PENDING RESOLUTION OF**
) **DEFENDANTS' PRELIMINARY**
) **INJUNCTION APPEAL IN THE NINTH**
) **CIRCUIT**
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V.L. v. WAGNER, CASE No. CV-09-04668 CW

STIP. & ORDER CONTINUING THE FURTHER CASE MANAGEMENT CONFERENCE PENDING RESOLUTION
 OF DEFS' PRELIMINARY INJUNCTION APPEAL IN THE 9TH CIRCUIT

1 WHEREAS defendants' preliminary injunction appeal is currently pending in
2 the Ninth Circuit;

3 WHEREAS oral argument on that appeal was heard and the matter submitted
4 on June 15, 2010;

5 WHEREAS the Ninth Circuit deferred resolution of the preliminary injunction
6 appeal pending the United States Supreme Court's decision in the consolidated
7 appeals in *Douglas v. Indep. Living Ctr.*, 572 F.3d 644 (9th Cir. 2009), *Douglas v.*
8 *Calif. Pharmacists Ass'n*, 2010 WL 737650 (9th Cir. March 3, 2010) and *Douglas v.*
9 *Santa Rosa Mem. Hosp.*, 2010 WL 2124276 (9th Cir. May 27, 2010), *certiorari*
10 *granted*, 2011 WL 134272 (U.S. No. 09-958, Jan. 18, 2011) or upon further order of
11 the court; and

12 WHEREAS the parties agree that it would be more efficient for the Court and
13 the parties to continue the further case management conference pending resolution of
14 the preliminary injunction appeal:

15 IT IS HEREBY STIPULATED between the parties through their respective
16 counsel that, subject to Court approval:

- 17 1. The further case management conference scheduled for September 13, 2011
18 is taken off calendar.
- 19 2. The further case management conference will be rescheduled for April 10,
20 2012 at 2:00 PM.

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3. The parties, by filing another Stipulation and Order, may request an earlier or later date for the further case management conference depending on the date the Ninth Circuit issues its opinion.

Dated: September 6, 2011

Respectfully submitted,

/s/ Frederick P. Nisen

DARA L. SCHUR (SBN 98638)
FREDERICK P. NISEN (SBN 184089)
JUNG PHAM (SBN 251232)
DISABILITY RIGHTS CALIFORNIA
BAY AREA REGIONAL OFFICE
1330 Broadway, Suite 500
Oakland, CA 94612
Telephone: (510) 267-1200
Facsimile: (510) 267-1201
Dara.schur@disabilityrightsca.org
Fred.nisen@disabilityrightsca.org
Jung.pham@disabilityrightsca.org

SUJATHA JAGADEESH BRANCH (SBN 166259)
DISABILITY RIGHTS CALIFORNIA
SACRAMENTO REGIONAL OFFICE
100 Howe Street, Suite 235 N
Sacramento, CA 95825
Telephone: (916) 488-9950
Facsimile: (916) 488-9960
Sujatha.branch@disabilityrightsca.org

MELINDA BIRD (SBN 102236)
MARILYN HOLLE (SBN 61530)
DEBORAH DORFMAN (CRLSA No. 801060)
DISABILITY RIGHTS CALIFORNIA
LOS ANGELES REGIONAL OFFICE
3580 Wilshire Blvd., Ste. 902
Los Angeles, CA 90010
Telephone: (213) 427-8747
Facsimile: (213) 427-8767
Melinda.bird@disabilityrightsca.org
Debbie.dorfman@disabilityrightsca.org
marilyn.holle@disabilityrightsca.org

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ANN MENASCHE (SBN 74774)
DISABILITY RIGHTS CALIFORNIA
SAN DIEGO REGIONAL OFFICE
1111 Sixth Avenue, Suite 200
San Diego, CA 92101
Telephone: (619)239-7861
Facsimile: (619)239-7906
Ann.menasche@disabilityrightsca.org

PAULA PEARLMAN (SBN 109038)
SHAWNA PARKS (SBN 208301)
DISABILITY RIGHTS LEGAL CENTER
919 Albany Street
Los Angeles, CA 90015
Telephone: (213) 736-1031
Facsimile: (213) 736-1428
Paula.pearlman@lls.edu
Shawna.parks@lls.edu

CHARLES WOLFINGER (SBN 63467)
LAW OFFICE OF CHARLES WOFLINGER
4655 Cass Street # 314
San Diego, CA 92109
Telephone: (858) 272-8115
Facsimile: (858) 270-3960
Cw@charleswolfinger.com

JANE PERKINS (SBN 104784)
NATIONAL HEALTH LAW PROGRAM
211 N. Columbia Street
Chapel Hill, NC 27514
Telephone: (919) 968-6308
Facsimile: (919) 968-8855
perkins@healthlaw.org

ANNA RICH (SBN 230195)
NATIONAL SENIOR CITIZEN LAW CENTER
1330 Broadway, Suite 525
Oakland, CA 94612
Telephone: (510) 663-1055
Facsimile: (510) 663-1051

*Attorneys for Named Plaintiffs V.L., David
Oster, Willie Beatrice Sheppard, Dotty Jones, C.R., and
the Plaintiff Class*

///

///

1 Dated: September 6, 2011

/s/ Eve H. Cervantez

STEPHEN P. BERZON (SBN 46540)

EVE H. CERVANTEZ (SBN 164709)

STACEY M. LEYTON (SBN 203827)

PEDER J. THOREEN (SBN 217081)

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sberzon@altshulerberzon.com

ecervantez@altshulerberzon.com

sleyton@altshulerberzon.com

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SEIU Local 521, SEIU California State Council,
UDW, and CUHW

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1 Dated: September 6, 2011

Respectfully submitted,

2 /s/Gregory D. Brown

3 KAMALA HARRIS

Attorney General of California

4 KARIN S. SCHWARTZ

SUSAN M. CARSON

5 Supervising Deputy Attorneys General

6 JOSHUA N. SONDHEIMER

7 GREGORY D. BROWN (SBN 219209)

Deputy Attorneys General

8 Attorneys for Defendants

9
10 GENERAL ORDER 45 ATTESTATION

11 I, Frederick P. Nisen, am the ECF user whose ID and password are being used to file this
12 stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that
13 plaintiffs' counsel and defendants' counsel have concurred in the filing of this document with their
14 electronic signatures.

15 Dated: September 6, 2011

/s/ Frederick P. Nisen

16 Frederick P. Nisen

17
18 GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 DATED: 9/7/2011


The Honorable Claudia Wilken
United States District Judge